

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MARYLAND CASUALTY CO., a/s/o)	
IMAMIA, INC.,)	2:14cv245
Plaintiff,)	Electronic Mail
)	
vs.)	
)	Judge David Stewart Cercone
PREFERRED FIRE PROTECTION, INC.,)	Magistrate Judge Robert C. Mitchell
Defendant.)	

MEMORANDUM ORDER

Plaintiff, Maryland Casualty Company, commenced this action on February 24, 2014. Compl. [ECF No. 1]. The case was referred to United States Magistrate Judge Robert C. Mitchell for pretrial proceedings in accordance with Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation [ECF No. 29] filed on July 17, 2014, recommended that Defendant, Preferred Fire Protection, Inc.'s Motion to Dismiss for Failure to State a Claim under Federal Rule of Civil Procedure 12(b)(6) be granted in part and denied in part. Service of the Report and Recommendation was made on all counsel of record on that date. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Local Rule of Court 72.D.2, they had until August 1, 2014 to file any objections. No objections have been filed as of this date.

After a *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, and pleadings thereto, the following order is entered:

AND NOW this 22nd day of August, 2014,

IT IS HEREBY ORDERED that Defendant's, Preferred Fire Protection Inc.'s Motion to Dismiss [ECF No. 6] is GRANTED IN PART AND DENIED IN PART. Defendant's motion to dismiss is granted as to Plaintiff's negligence claim and that claim is dismissed with prejudice. Defendant's motion to dismiss is denied in all other respects;

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Robert C. Mitchell is hereby adopted as the Opinion of the District Court.



David Stewart Cercone
United States District Judge

cc: Honorable Robert C. Mitchell,
United States Magistrate Judge
Steven L. Smith, Esquire
Ashley N. Wiegand, Esquire
Joseph L. Orszulak, II, Esquire
Mark P. Merlini, Jr., Esquire